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08/545,241 11/21/95 PADIA J 5117-P1-01-E

EXAMINER

12M1/1025

ART UNIT/TELETYPE PAPER NUMBER

1202

DATE MAILED: 10/25/96

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on 8/7/96  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice of Draftsman's Patent Drawing Review, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, PTO-152.
5.  Information on How to Effect Drawing Changes, PTO-1474.
6.

**Part II SUMMARY OF ACTION**

1.  Claims 1-49 are pending in the application.

Of the above, claims 5, 8, 10, 14, 24, 29 are withdrawn from consideration.

2.  Claims 30-40 have been cancelled.

3.  Claims are allowed.

4.  Claims 1-4, 6-7, 9, 11-13, 15-28, 41-49 are rejected.

5.  Claims are objected to.

6.  Claims are subject to restriction or election requirement.

7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8.  Formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on . Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10.  The proposed additional or substitute sheet(s) of drawings, filed on , has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed , has been  approved;  disapproved (see explanation).

12.  Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. ; filed on .

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213

14.  Other

**EXAMINER'S ACTION**

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This is in response to the amendment and request for reconsideration filed 8/7/1996. Applicant's arguments traversing the rejections made in the last office action have been fully considered with the following effect.

The information disclosure statements filed 6/7/1996 and 8/7/1996 have been considered as indicated on the enclosed copies there of.

Applicants' election of example 7 on page 50 of the disclosure with traverse is acknowledged. Since there are no good and sufficient reasons given for traversing the restriction requirement, the examiner holds this to be a constructive election without traverse. Since there are still outstanding art rejections against the generic claims, the search has been limited to quinazolinones and quinazolinethiones in which the A linking group is urea or thiourea. Claims 5, 8, 10, 14, 24, and 29 are withdrawn from consideration as being drawn to non-elected subject matter.

Cancellation of claims 30-40 is acknowledged.

Claims 1-4, 6-7, 9, 11-13, 15-28 and 41-49 are currently under consideration.

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Claims 1-4, 6-7, 9, 11-13, 15-28 and 41-49 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1) The use of brackets, i.e. [ ], to indicate both matter deleted by amendment and the names of chemical compounds renders all the claims indefinite since it is not clear what matter is being deleted and what matter is part of the chemical name.

Claims 1-3, 13, 15-16, 24-25 and 41-49 are rejected under 35 U.S.C. § 102(b) as being anticipated by Omar et al. The claims read on for example compound 12, recited on page 78 of the reference. Applicant's arguments traversing this rejection have been fully considered but are not persuasive in view of the fact that the amendment filed 8/1/1996 did result in the claims avoiding the reference. Applicant apparently mistook the prior art R<sup>1</sup> for the instant R<sup>1</sup> and the prior art R<sup>2</sup> for the instant R<sup>2</sup>, a simple matter since instant claims and the prior art are diametrically opposite terminology for the respective substituents. Claims 41-49, drawn to methods of treatment, are inherently described since to perform treatment as described by Omar et al. would necessarily include treatment as

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defined by the claims, there being no evidence of record that the two means of treatment differ in fact.

Claims 1-4, 6-7, 9, 11-13, 15-28 and 41-49 are rejected under 35 U.S.C. § 103 as being unpatentable over Omar et al. The claims read on, for example compound 12, recited on page 78 of the reference. The claims differ from the reference in that they recite different scope and different species than are taught by the reference. However, one of ordinary skill in the art would have been motivated to prepare compounds related to the instant compounds as analogs, homologs and ring position isomers, including those of the instant claims, because they are so structurally similar to those specifically taught by the reference that they would be expected by one of ordinary skill in the art to possess similar properties. Claims 4, 6-7, 9, 17 and 27-29 are obvious in view of the corresponding thioureas since it would have been obvious to one of ordinary skill in the art to substitute an oxygen for a sulfur in the 4-quinazoline or the carbon of the thiourea group. Such obviousness is evidenced by the fact that applicant has characterized both the thioureas and the ureas and both the quinazolinones and the quinazolinethiones as belonging to the same generic class of invention and

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applicant is traversing the above restriction requirement, presumably (although this is not specifically stated) on the grounds that the species are not patentably distinct, i.e. that they are obvious one over the other.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

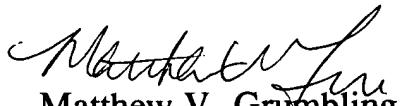
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew V. Grumbling whose telephone number is (703) 308-4713. The examiner can usually be reached on Monday through Friday from 9:30 a.m until 6:00 p.m.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.

A facsimile center has been established in Group 1200, room 3C10. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine are (703) 308-4556 or 305-3592.

Since the facsimile machines possess limited capacity it is requested that information disclosures, appeal briefs and other communications greater than 15 pages in length be mailed rather than submitted by facsimile. Also it is requested that communication not intended to be entered in the case (such as courtesy copies) be conspicuously marked "DRAFT" on the cover sheet of the facsimile transmission.



Matthew V. Grumbling  
Patent Examiner  
GAU 1202  
October 23, 1996